

In the Claims

Claim 1 (Currently amended): A genetically modified stem or progenitor cell comprising:

(a) a first exogenous polynucleotide comprising a gene switch/biosensor operatively linked to a promoter, wherein said gene switch/biosensor encodes a physiological stimulus-sensitive chimeric transactivator ~~and an operatively-linked promoter~~; and

(b) a second exogenous polynucleotide comprising a gene amplification system, wherein said gene amplification system comprises a nucleic acid sequence encoding a therapeutic product, wherein said therapeutic product is heme oxygenase-1 (HO-1); ~~and wherein said first and second exogenous polynucleotides are provided in an adeno-associated virus (AAV) vector.~~

Claim 2 (Original): The cell of claim 1, wherein said gene amplification system further comprises a GAL4 upstream activating sequence (UAS) linked to said nucleic acid sequence encoding said therapeutic product.

Claim 3 (Previously presented): The cell of claim 1, wherein said chimeric transactivator is oxygen-sensitive.

Claim 4 (Original): The cell of claim 2, wherein said physiological stimulus is a signal associated with a pathological condition, and wherein said chimeric transactivator of said first exogenous polynucleotide binds to said GAL4 UAS of the second exogenous polynucleotide in response to the signal associated with the pathological condition, resulting in expression of the therapeutic nucleic acid sequence encoding the therapeutic product.

Claim 5 (Original): The cell of claim 4, wherein said signal is hypoxia associated with ischemia.

Claim 6 (Previously presented): The cell of claim 1, wherein said gene switch/biosensor encodes an oxygen-sensitive chimeric transactivator and an operatively linked promoter, wherein said oxygen-sensitive chimeric transactivator comprises a GAL4 DNA-binding domain (DBD), an oxygen-dependnt, and a p65 activation domain (p65AD); and wherein said nucleic acid sequence encoding a therapeutic product comprises a cardioprotective gene linked to a GAL4 upstream activating sequence (UAS).

Claims 7-10 (Cancelled)

Claim 11 (Previously presented): The cell of claim 1, wherein said cell comprises a non-viral vector comprising said first and second exogenous polynucleotides.

Claim 12 (Previously presented): The cell of claim 1, wherein said cell is a pluripotent or totipotent stem cell.

Claim 13 (Previously presented): The cell of claim 1, wherein said cell is selected from the group consisting of a hematopoietic stem cell, a mesenchymal stem cell (MSC), a muscle derived stem cell, and a bone marrow mesenchymal progenitor cell (MPC).

Claims 14-15 (Cancelled)

Claim 16 (Previously presented): The cell of claim 1, wherein said therapeutic product is a polypeptide that is heterologous to said cell.

Claim 17 (Previously presented): The cell of claim 1, wherein said therapeutic product is a polypeptide that is endogenous to said cell.

Claim 18 (Previously presented): The cell of claim 1, wherein said physiological stimulus is selected from the group consisting of hypoxia, glucose, a tumor marker, and an atherosclerosis indicator of inflammation.

Claim 19 (Previously presented): The cell of claim 1, wherein said physiological stimulus is selected from the group consisting of hypoxia, a cytokine, MCP-1, c-reactive protein, elevated triglyceride level, elevated oxidized LDL cholesterol level, elevated Lp(a) level, elevated homocysteine level, decreased HDL level, and decreased nitric oxide production.

Claims 20-27 (Cancelled)

Claim 28 (Currently amended): A modified mammalian tissue, wherein said tissue comprises a genetically modified mammalian stem or progenitor cell, wherein said cell comprises:

(a) a first exogenous polynucleotide comprising a gene switch/biosensor operatively linked to a promoter, wherein said gene switch/biosensor encodes a physiological stimulus-sensitive chimeric transactivator ~~and an operatively linked promoter~~; and

(b) a second exogenous polynucleotide comprising a gene amplification system, wherein said gene amplification system comprises a nucleic acid sequence encoding a therapeutic product, wherein said therapeutic product is heme oxygenase-1 (HO-1); ~~and wherein said first and second exogenous polynucleotides are provided in an adeno-associated virus (AAV) vector.~~

Claim 29 (Previously presented): The tissue of claim 28, wherein said tissue is human tissue and said cell is a human cell.

Claim 30 (Previously presented): The tissue of claim 28, wherein said cell is autologous to said tissue.

Claim 31 (Previously presented): The tissue of claim 28, wherein said tissue is myocardium, mesenchymal tissue, pancreatic tissue, liver tissue, or brain tissue.

Claim 32 (Cancelled)

Claim 33 (Previously presented): The tissue of claim 28, wherein said physiological stimulus is hypoxia, a cytokine, MCP-1, c-reactive protein, elevated triglyceride level, elevated oxidized LDL cholesterol level, elevated Lp(a) level, elevated homocysteine level, decreased HDL level, or decreased nitric oxide production.

Claim 34 (Previously presented): The tissue of claim 28, wherein said cell is a hematopoietic stem cell, a mesenchymal stem cell (MSC), a muscle derived stem cell, or a bone marrow mesenchymal progenitor cell (MPC).

Claim 35 (Previously presented): The cell of claim 1, wherein said promoter is a cytomegalovirus (CMV) promoter.

Claim 36 (Previously presented): The tissue of claim 28, wherein said promoter is a cytomegalovirus (CMV) promoter.

Claim 37 (New): The cell of claim 1, wherein said first and second exogenous polynucleotides are provided in an adeno-associated virus (AAV) vector

Claim 38 (New): The tissue of claim 28, wherein said first and second exogenous polynucleotides are provided in an adeno-associated virus (AAV) vector